

09/335,640

MS116627.1

REMARKS

Claims 1-63 are currently pending in the subject application, and are presently under consideration. Applicants' representative acknowledges with appreciation the indication of claims 10, 13, 15, 23, 25-32, 41, 43, 45, 52, 55 and 57 being allowable if recast in independent form to include all limitations of respective base claims and any intervening claims. The option to recast these claims in such form at a later date if necessary is respectfully reserved. However, it is submitted that the respective base claims are allowable as discussed in greater detail below. Additionally, applicants' representative thanks the Examiner for the courtesies extended during the telephone conference of July 24, 2002 where the below-noted distinctions between the claimed invention and the cited references were briefly discussed. Favorable reconsideration of this application is requested in view of the comments and amendments made herein.

I. Objections to the Drawings

Applicants' representative is in the process of generating formal drawings for submission to the Patent Office, and will provide them to the Office in the near future (and prior to payment of an issue fee).

II. Rejection of Claims 1-3, 5-9, 11, 12, 14, 16-22, 24, 33-40, 42, 44, 46-51, 53, 54, 56, and 58-63 Under 35 U.S.C. 103(a)

Claims 1-3, 5-9, 11, 12, 14, 16-22, 24, 33-40, 42, 44, 46-51, 53, 54, 56, and 58-63 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, *et al.* (6,166,738) and Joskowicz, *et al.* (5,669,006). Withdrawal of this rejection is respectfully requested for at least the following reasons. The references if combined as suggested by the Examiner would not result in the invention as claimed.

It is essential to consider all elements of the claimed invention; it is impermissible to compare the prior art with what the viewer interprets the "gist" of the invention to be *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991); *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 221 USPQ 669 (Fed. Cir. 1984); *Jones v. Hardy*, 727 F.2d 1524, 1527-28, 220 USPQ 1021m 1024 (Fed. Cir. 1984).

09/335,640

MS116627.1

The subject invention as recited in independent claim 1 recites ... determining a two-dimensional location and a depth of each of the thumbnails in the three-dimensional environment, wherein, *for each of the thumbnails, the depth is a function of at least one parameter of the object associated with the thumbnail...* Independent claims 24, 61 and 62 recite similar features as that noted above with respect to claim 1. Neither Robertson, *et al.* nor Joskowicz, *et al.* alone or in combination teach or suggest such claimed feature of applicants' invention. Such feature of the claimed invention provides for mapping values of properties or parameters of object information to a depth. Using this depth information, the present invention renders the thumbnail of the information object in a simulated three-dimensional tank at a simulated depth. As values of properties or parameters of the objects change, the simulated depth at which they are rendered may change. See page 17, line 25 to page 18, line 4. Accordingly, simulated depth of thumbnails respectively can be a function of a parameter (*e.g.*, including but not limited to object priority, object age, object size (MB), preference for an object by a user relative to other objects, object status, object version) of respective objects. Thus, a thumbnail associated with a high-priority object can be rendered at less simulated depth (*e.g.*, closer to viewer) than a thumbnail associated with a low-priority object.

The cited references do not teach or suggest such feature. These references do not associate depth of a rendered thumbnail with at least one parameter of an object associated with the thumbnail. The Office Action at paragraph 9, page 11, incorrectly advances that Joskowicz, *et al.* teaches such feature at col. 3, lines 55-col., lines 51, and Fig. 9. Rather, Joskowicz, *et al.* simply teaches rendering of icons (including Z-axis based rendering) as a function of the icons themselves (*e.g.*, size, area, predefined constraints relating to spacing of the icons), but not as a function of at least one parameter of an object associated with the displayed thumbnail as in the claimed invention.

Robertson *et al.* and Joskowicz *et al.* both are concerned with rendering of thumbnails/icons so as to optimize utilization of valuable screen real estate *via* three-dimensional rendering of the thumbnails. However, neither reference teaches or suggests that the placement of the thumbnails in three-dimensional space is also a function of at least one parameter of an object associated with the rendered thumbnail. The subject claimed invention provides for three-

09/335,640

MS116627.1

dimensional rendering of thumbnails so as to provide for organizing and rendering the thumbnails as a function of relevance of the objects associated with the thumbnails. Such aspect of the claimed invention provides for optimizing rendering of the thumbnails not only with respect to utilization of valuable screen real estate but also with respect to relevance of the respective objects (associated with the thumbnails) to a user as defined by at least one parameter of the respective objects. Thus the claimed invention provides for a richer and more refined technique for rendering thumbnails that is not disclosed, suggested or even contemplated by the cited references.

In view of at least the above, it is respectfully submitted that the subject invention as recited in independent claims 1, 34, 61 and 62 (and claims 2, 3, 5-9, 11, 12, 14, 16-22, 24, 33, 35-40, 42, 44, 46-51, 53, 54, 56, and 58-60 and 63 which respectively depend therefrom) is not obvious over the combination of Robertson, *et al.* and Joskowicz, *et al.*

III. Rejection of Claim 4 Under 35 U.S.C. 103(a)

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, *et al.* and Joskowicz, *et al.* and Baldwin (U.S. 5,701,444). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 4 depends from independent claim 1, and Baldwin fails to make up for the aforementioned deficiencies of Robertson, *et al.* and Joskowicz, *et al.* with respect to claim 1. Thus, this rejection should be withdrawn.

09/335,640

MS116627.1

CONCLUSION

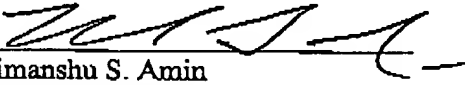
The present application is believed to be condition for allowance in view of the amendments and comments herein. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

The Examiner is invited to contact applicants' undersigned representative over the telephone to expedite favorable prosecution of the subject application.

Respectfully submitted,

AMIN & TUROCY, LLP


Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24th Floor, National City Center
1900 East 9th Street
Cleveland, Ohio 44114
(216) 696-8730 (Telephone)
(216) 696-8731 (Facsimile)